UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1994/571
16 May 1994

ORIGINAL: ENGLISH

Czech Republic, France, Russian Federation, Spain, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Reaffirming all its previous resolutions on the situation in Rwanda, in particular its resolution 872 (1993) of 5 October 1993 by which it established the United Nations Assistance Mission for Rwanda (UNAMIR), its resolution 909 (1994) of 5 April 1994 which extended the mandate of UNAMIR until 29 July 1994, and its resolution 912 (1994) of 21 April 1994 by which it adjusted the mandate of UNAMIR,

Recalling the statements made by the President of the Council on 7 April 1994 (S/PRST/1994/16) and 30 April 1994 (S/PRST/1994/21),

Having considered the report of the Secretary-General dated 13 May 1994 (S/1994/565),

Reaffirming its resolution 868 (1993) of 29 September 1993 on the security of United Nations operations,

Strongly condemning the ongoing violence in Rwanda and particularly condemning the very numerous killings of civilians which have taken place in Rwanda and the impunity with which armed individuals have been able to operate and continue operating therein,

Stressing the importance of the Arusha Peace Agreement to the peaceful resolution of the conflict in Rwanda and the necessity for all parties to recommit themselves to its full implementation,

Commending the efforts of the Organization of African Unity (OAU) and its organs, as well as the efforts of the Tanzanian Facilitator, in providing diplomatic, political, and humanitarian support for the implementation of the relevant resolutions of the Council,

Deeply concerned that the situation in Rwanda, which has resulted in the death of many thousands of innocent civilians, including women and children, the internal displacement of a significant percentage of the Rwandan population, and the massive exodus of refugees to neighbouring countries, constitutes a humanitarian crisis of enormous proportions,

Expressing once again its alarm at continuing reports of systematic, widespread and flagrant violations of international humanitarian law in Rwanda, as well as other violations of the rights to life and property,

Recalling in this context that the killing of members of an ethnic group with the intention of destroying such a group, in whole or in part, constitutes a crime punishable under international law,

Strongly urging all parties to cease forthwith any incitement, especially through the mass media, to violence or ethnic hatred,

Recalling also its request to the Secretary-General to collect information on the responsibility for the tragic incident that resulted in the death of the Presidents of Rwanda and Burundi,

Recalling further that it had requested the Secretary-General to make proposals for the investigation of reports of serious violations of international humanitarian law during the conflict,

Underlining the urgent need for coordinated international action to alleviate the suffering of the Rwandan people and to help restore peace in Rwanda, and in this connection welcoming cooperation between the United Nations and the OAU as well as with countries of the region, especially the facilitator of the Arusha peace process,

Desiring in this context to expand the mandate of UNAMIR for humanitarian purposes, and stressing the importance it attaches to the support and cooperation of the parties for the successful implementation of all aspects of that mandate,

Reaffirming its commitment to the unity and territorial integrity of Rwanda,

Recognizing that the people of Rwanda bear ultimate responsibility for national reconciliation and reconstruction of their country,

Deeply disturbed by the magnitude of the human suffering caused by the conflict and concerned that the continuation of the situation in Rwanda constitutes a threat to peace and security in the region,

A

1. Demands that all parties to the conflict immediately cease hostilities, agree to a cease-fire, and bring an end to the mindless violence and carnage engulfing Rwanda;

2. Welcomes the report of the Secretary-General dated 13 May 1994 (S/1994/565);

3. Decides to expand UNAMIR's mandate under resolution 912 (1994) to include the following additional responsibilities within the limits of the resources available to it:

(a) To contribute to the security and protection of displaced persons, refugees and civilians at risk in Rwanda, including through the establishment and maintenance, where feasible, of secure humanitarian areas;

(b) To provide security and support for the distribution of relief supplies and humanitarian relief operations;

4. Recognizes that UNAMIR may be required to take action in self-defence against persons or groups who threaten protected sites and populations, United Nations and other humanitarian personnel or the means of delivery and distribution of humanitarian relief;

5. Authorizes in this context an expansion of the UNAMIR force level up to 5,500 troops;

6. Requests the Secretary-General, as recommended in his report, and as a first phase, immediately to redeploy to Rwanda the UNAMIR military observers currently in Nairobi and to bring up to full strength the elements of the mechanized infantry battalion currently in Rwanda;

7. Further requests the Secretary-General to report as soon as possible on the next phase of UNAMIR's deployment including, inter alia, on the cooperation of the parties, progress towards a cease-fire, availability of resources and the proposed duration of the mandate for further review and action, as required, by the Council;

8. Encourages the Secretary-General to accelerate his efforts, in conjunction with the Secretary-General of the OAU, to obtain from Member States the necessary personnel to enable deployment of the expanded UNAMIR to proceed urgently;

9. Invites Member States to respond promptly to the Secretary-General's request for the resources required, including logistical support capability for rapid deployment of the UNAMIR expanded force level and its support in the field;

10. Strongly urges all parties in Rwanda to cooperate fully with UNAMIR in the implementation of its mandate and in particular in ensuring its freedom of movement and the unimpeded delivery of humanitarian assistance, and further calls upon them to treat Kigali airport as a neutral zone under the control of UNAMIR;

11. Demands that all parties in Rwanda strictly respect the persons and premises of the United Nations and other organizations serving in Rwanda, and

refrain from any acts of intimidation or violence against personnel engaged in humanitarian and peace-keeping work;

12. Commends the efforts of States, United Nations agencies and non-governmental organizations which have provided humanitarian and other assistance, encourages them to continue and increase such assistance, and urges others to provide such assistance;

B

Determining that the situation in Rwanda constitutes a threat to peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

13. Decides that all States shall prevent the sale or supply to Rwanda by their nationals or from their territories or using their flag vessels or aircraft of arms and related matériel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary police equipment and spare parts;

14. Decides also to establish, in accordance with rule 28 of the provisional rules of procedure of the Security Council, a Committee of the Security Council consisting of all the members of the Council, to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

(a) To seek from all States information regarding the action taken by them concerning the effective implementation of the embargo imposed by paragraph 13 above;

(b) To consider any information brought to its attention by States concerning violations of the embargo, and in that context to make recommendations to the Council on ways of increasing the effectiveness of the embargo;

(c) To recommend appropriate measures in response to violations of the embargo imposed by paragraph 13 above and provide information on a regular basis to the Secretary-General for general distribution to Member States;

15. Calls upon all States, including States not members of the United Nations, and international organizations to act strictly in accordance with the provisions of the present resolution, notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any licence or permit granted prior to the date of the adoption of this resolution;

16. Decides that the provisions set forth in paragraphs 13 and 15 above do not apply to activities related to UNAMIR and UNOMUR;

17. Requests the Secretary-General to provide all necessary assistance to the Committee and to make the necessary arrangements in the Secretariat for this purpose;

C

18. Requests the Secretary-General to present a report as soon as possible on the investigation of serious violations of international humanitarian law committed in Rwanda during the conflict;

19. Invites the Secretary-General and his Special Representative, in coordination with the OAU and countries in the region, to continue their efforts to achieve a political settlement in Rwanda within the framework of the Arusha Peace Agreement;

20. Decides to keep the situation in Rwanda under constant review and requests the Secretary-General to report further, including on the humanitarian situation, within five weeks of the adoption of this resolution and again in good time before the expiration of the current mandate of UNAMIR;

21. Decides to remain actively seized of the matter.

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1994/572
14 May 1994

ORIGINAL: ENGLISH

LETTER DATED 6 MAY 1994 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to my note of 3 May by which I transmitted to the members of the Council a letter from the Permanent Representative of the Kingdom of Cambodia to the United Nations requesting the extension of the mandate of the United Nations Military Liaison Team (UNMLT) for a further period of six months. Pursuant to Security Council resolution 880 (1993), the mandate of the UNMLT will expire on 15 May 1994, unless it is extended by the Council.

In my letter of 29 March, I informed members of the Council of the appointment of Mr. Benny Widyono as my representative in Cambodia (S/1994/389). In the interest of supporting the Government's efforts to consolidate peace in Cambodia, and since the presence of United Nations military and civilian personnel contributes, in the Government's view, to a sense of security among the Cambodian people, it would be my intention, in the event that the Council decides that the mandate of the UNMLT should not be extended beyond 15 May 1994, to appoint, with the concurrence of the Cambodian Government, three military personnel, drawn preferably from officers currently serving in the UNMLT, as advisers to my representative in Cambodia. The military advisers would assist my representative in fulfilling his mandate, in accordance with the spirit and principles of the Paris Agreements.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

94-21702 (E) 150594 15/05/94

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1994/573
14 May 1994

ORIGINAL: ENGLISH

LETTER DATED 13 MAY 1994 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to refer to your letter of 6 May 1994 concerning your intention following the expiration of the mandate of the United Nations Military Liaison Team (UNMLT) (S/1994/572). The members of the Security Council have asked me to thank you for your letter and to respond to its contents.

In accordance with Security Council resolution 880 (1993), the mandate of UNMLT for a single six-month period will expire on 15 May 1994. The members of the Council welcome your intention to appoint three military personnel as advisers to your representative in Cambodia. The members of the Council understand that those advisers will assist your representative in fulfilling its mandate, in accordance with the spirit and principles of the Paris Agreements.

(Signed) Ibrahim A. GAMBARI
President of the Security Council

94-21708 (E) 150594 15/05/94

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1994/574
16 May 1994

ORIGINAL: ENGLISH

REPORT OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA ON THE ADMINISTRATION OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS FOR THE PERIOD FROM 1 OCTOBER 1992 TO 30 SEPTEMBER 1993

Note by the Secretary-General

Pursuant to paragraph 3 of Security Council resolution 70 (1949) of 7 March 1949, the Secretary-General has the honour to transmit to the members of the Security Council the report of the United States Government on the administration of the Trust Territory of the Pacific Islands for the period from 1 October 1992 to 20 September 1993. 1/

Notes

1/ A limited number of copies of this report in English were received by the Secretary-General on 5 May 1994. Copies have been circulated to members of the Trusteeship Council under the symbol T/1980.

94-21724 (E) 160594 16/05/94

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1994/575
16 May 1994

ORIGINAL: ENGLISH

LETTER DATED 16 MAY 1994 FROM THE PERMANENT REPRESENTATIVE OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In response to the Secretary-General's report of 9 May 1994 (S/1994/555), we wish to make the following corrections, comments and observations. The facts, statements and observations outlined here have been given on the basis of information and positions provided by the Presidency of the Republic of Bosnia and Herzegovina and the Prime Minister's Office.

1. Security Council resolution 836 (1993), paragraphs 5 and 6, and resolution 824 (1993), paragraph 4, respectively, read as follows:

> "5. Decides to extend to that end the mandate of UNPROFOR in order to enable it, in the safe areas referred to in resolution 824 (1993), to deter attacks against the safe areas, to monitor the cease-fire, to promote the withdrawal of military or paramilitary units other than those of the Government of the Republic of Bosnia and Herzegovina and to occupy some key points on the ground, in addition to participating in the delivery of humanitarian relief to the population as provided for in resolution 776 (1992) of 14 September 1992;
>
> "6. Affirms that these safe areas are a temporary measure and that the primary objective remains to reverse the consequences of the use of force and to allow all persons displaced from their homes in the Republic of Bosnia and Herzegovina to return to their homes in peace, beginning, inter alia, with the prompt implementation of the provisions of the Vance-Owen plan in areas where those have been agreed by the parties directly concerned;"
>
> "4. Further declares that in these safe areas the following should be observed:
>
> "(a) The immediate cessation of armed attacks or any hostile act against these safe areas, and the withdrawal of all Bosnian Serb military or paramilitary units from these towns to a distance wherefrom they cease to constitute a menace to their security and that of their inhabitants to be monitored by United Nations military observers;

"(b) Full respect by all parties of the right of the United Nations Protection Force (UNPROFOR) and the international humanitarian agencies to free and unimpeded access to all safe areas in the Republic of Bosnia and Herzegovina and full respect for the safety of the personnel engaged in these operations;".

2. We note in particular that the provisions of paragraph 8 of resolution 824 (1993) that would provide for a revision of the mandate outlined in the relevant resolutions, have not been met:

"Declares also that arrangements pursuant to the present resolution shall remain in force up until the provisions for the cessation of hostilities, separation of forces and supervision of heavy weaponry as envisaged in the peace plan for the Republic of Bosnia and Herzegovina, are implemented".

3. The Government of the Republic of Bosnia and Herzegovina does not consider the situation in and around the safe areas of Srebrenica and Zepa as satisfactory. Although Serbian attacks have substantially diminished, intermittent Serbian assaults, none the less, to continue causing loss of life, material destruction and terrorizing the civilian population. Serbian besieging forces continue to impede humanitarian deliveries and the delivery of essential services like water and electricity. Paraphrasing the report of the mission of the Security Council members visiting Srebrenica pursuant to the authority of resolution 819 (1993), Srebrenica is described as essentially an "open-air prison". We are disappointed that this ongoing grave situation in Srebrenica and Zepa is not more fully outlined in the Secretary-General's report of 9 May 1994.

4. Consequently, it is evident that the mandate(s) outlined in resolutions 819 (1993), 824 (1993) and 836 (1993) have not been adequately effectuated in Srebrenica and Zepa (at least as far as the civilian population is concerned) and that the de facto demilitarization of these two safe areas under UNPROFOR's guidance has not brought about the necessary conditions. The civilian population continues to suffer various threats and deprivations, whether because of UNPROFOR's incapacity or ineffectiveness or the effective disarming of the Bosnian defenders.

5. We are most disturbed that the Secretary-General's report fails to make any mention of the Serbian failure to honour the Gorazde "safe zone" as defined by resolutions 824 (1993) and 913 (1994) or to comply with the United Nations/North Atlantic Treaty Organization (NATO) 3-kilometre and 20-kilometre "exclusion zones". Also of concern is that, while paragraph 29 (c) of the Secretary-General's report singles out a particular reference in resolution 913 (1994), it should also have referenced paragraphs 3 and 5, which respectively condemn "the shelling and attacks by the Bosnian Serb forces against the safe area of Gorazde as defined in resolution 824 (1993) and demands the withdrawal of these forces and their weapons to a distance to be agreed by UNPROFOR wherefrom they cease to constitute a threat to the status of Gorazde as a safe area" and demand "the immediate release of all United Nations personnel still held by the Bosnian Serb forces;".

6. With reference to paragraph 10 of the Secretary-General's report, it should be noted that failure to use the mandate given can also have a negative impact on the relationships of the parties with UNPROFOR, especially the legitimate and democratically elected Government of the Republic of Bosnia and Herzegovina as well as on the credibility of UNPROFOR and NATO. Cumbersome mechanisms and lack of will are inconsistent with the interests of the civilian population in question and the search for a durable peace. Succumbing to threats and hostage-taking will further neutralize the effectiveness of mechanisms available to the international community in the Republic of Bosnia and Herzegovina, and will spawn similar and more blatant actions.

7. Certain references in the report attempt to delegitimize the Army of the Republic of Bosnia and Herzegovina and, unfortunately, once again go back to equating the victim and the aggressor, in particular paragraph 13. These allegations do not reflect the facts and are morally flawed. The Government and the Army of the Republic of Bosnia and Herzegovina have abided by all agreements committed to, including those calling for the withdrawal and/or storage of heavy weapons by UNPROFOR. The innocent efforts of individual civilians in the besieged area of Srebrenica to retrieve their light weapons cannot in any way be compared to the systematic attempts of the Serbian forces, in particular around Sarajevo, to retake heavy weapons from UNPROFOR storage or control. Weapons have been retaken by Serbian forces by means of simple thievery, threats and even the taking of United Nations personnel hostage.

8. Serbian forces throughout the conflict have undertaken the harassment and intimidation of United Nations personnel in the Republic of Bosnia and Herzegovina in the absence of a robust UNPROFOR mandate and long before the introduction of close-air support. It should be remembered that resolutions 770 (1992), 819 (1993), 824 (1993), 836 (1993), 913 (1994) and others were adopted as reactions to such unacceptable actions.

9. We disagree with the tone of paragraph 14 and the statements contained therein. The Republic of Bosnia and Herzegovina does not expect UNPROFOR to fight its war. At the same time, two factors must be taken into consideration: (a) it is impossible to separate the civilian population and their territory when indiscriminate attacks are prepared by advancement of Serbian forces then launched (Serb conquests of territory have meant expulsion, imprisonment or murder of the civilians on that territory) and (b) it is inconsistent and cynical implicitly or explicitly to demean the Government of the Republic of Bosnia and Herzegovina by saying that we expect the United Nations to fight our war when in fact the arms embargo applied against the Republic of Bosnia and Herzegovina has at least in part been justified on the basis of the United Nations mission in the Republic of Bosnia and Herzegovina and the United Nations defence of the safe areas.

10. With respect to the issue raised in paragraph 16 of whether the safe-area concept was intended to protect only populations or populations and territory, the statement of the Permanent Representative of France, a co-sponsor of the resolution (made in explanation of vote before the vote on resolution 836 (1993) of 4 June 1993 (S/PV.3228)) is telling of the intent of the Security Council:

"The draft resolution addresses an immediate, vital humanitarian objective: ensuring the survival of civilian populations in the safe areas. It also addresses a paramount political objective: maintaining the territorial basis needed for the development and implementation of the peace plan for Bosnia and Herzegovina.*

"In that connection, I want to stress that the designation and protection of safe areas is not an end in itself, but only a temporary measure; a step towards a just and lasting political solution. This must be understood as a positive contribution to the process begun by the Vance-Owen plan, which remains the basis for any settlement.

"I wish also to note the realistic and operational nature of the draft resolution. Through changes in and the strengthening of UNPROFOR, its provisions are aimed at ensuring the protection of the safe areas by deterring attacks against them, by monitoring the cease-fire, by promoting the withdrawal of military units other than those of the Government of the Republic of Bosnia and Herzegovina, and by occupying several key points on the ground. Those provisions would be implemented in parallel with the mandate established in resolutions 770 (1992) and 776 (1992) and would not affect UNPROFOR's current task of protecting the delivery of humanitarian aid.

"To carry out the new mandate, the draft resolution explicitly provides for the possibility of using force to respond to bombardments against the safe areas, to armed incursions into them* or to any deliberate obstacles to the freedom of movement of UNPROFOR or of protected humanitarian convoys. It also provides for the use of air power within and around the safe areas in order to support UNPROFOR in the fulfilment of its mandate, if necessary."

11. With respect to paragraph 15 of the Secretary-General's report, fully having in mind the constraint of troop resources available to UNPROFOR, we find it inappropriate that "UNPROFOR has attempted to redefine the safe-area concept". This is a political issue to be determined by the Security Council and not UNPROFOR. Another troubling aspect of paragraph 15 is that so-called "even-handedness" is given higher priority than the protection of civilian lives.

12. In view of the expressed position outlined in the Secretary-General's report that it is UNPROFOR's mandate only to protect the civilian population in the safe areas and not the territory/space of the safe areas, it is more than ever imperative that paragraph 4 of resolution 824 (1993) and paragraph 5 of resolution 836 (1993) be fully observed and not diminished in order to allow the government forces to defend the territory and sovereignty as well as the civilian population of the safe areas and their surroundings.

---

* Emphasis added by the Permanent Representative of Bosnia and Herzegovina.

13. Clearly, the past failures and continued incapacity or lack of requisite will even to defend the civilian population (as most recently exhibited in Gorazde, Tuzla and even Bihac) make any diminution of the right of the government forces to defend the safe areas (territory, sovereignty and population) unjustifiable and dangerous. We also note that subjecting the civilian populations of the safe areas to the lifestyle of "open-air prison camps" (as in Srebrenica) is not an acceptable alternative. Attempts to alter the terms of resolutions 819 (1993), 824 (1993) and 836 (1993) to provide for an extended period of unilateral demilitarization and allowing for the continuation of the status quo is clearly inconsistent with the previously quoted paragraph 6 of resolution 836 (1993) and paragraph 8 of resolution 824 (1993). This would also further the creation of non-"viable communities" in the safe zones as pointed out in paragraph 26 of the latest Secretary-General's report.

14. It is not possible to demilitarize a small urban congested safe area while leaving surrounding, more rural communities to their own self-defence. This would have the effect of decisively weakening the defensive position of the government forces; an untenable military situation; loss of surrounding territories; and ever-increasing threat to civilians not directly covered by the "safe-zone" designation. Any bisecting of government operational and supply lines by UNPROFOR-defined demilitarization zones would have the effect of UNPROFOR in fact aiding the Serbians and taking a side in this conflict against the victim and government forces.

15. The current and previous Secretary-General's reports, which term "provocative" actions of the defence forces of Bosnia and Herzegovina, in our view, have unwittingly legitimized and encouraged Serbian aggression against the safe areas by providing political pretexts. We caution the Secretary-General and the relevant UNPROFOR officials about this unfortunate consequence; and emphasize, especially in view of the sovereign and unabridged right and responsibility of the Army of the Republic of Bosnia and Herzegovina for defence, and in view of paragraphs 7 and 8 above the explicit provisions of resolution 824 (1993), paragraph 4, and resolution 836 (1993), paragraph 5. The Secretary-General may not be in agreement with some or all of these specific terms of resolutions 824 (1993) and 836 (1993), and there may be a myopic desire to limit further our right to self defence, but the use of the terms "provocation", "provoking", or "provocative" is not consistent with the terms of resolutions 819 (1993), 824 (1993) and 836 (1993), is counterproductive and may unwittingly pose a threat to the safety of the very civilian population in question.

OBSERVATIONS

16. The Secretary-General's report proposes that UNPROFOR's scope of responsibility within the safe areas be limited to only the theoretical protection of the civilians within such safe areas. By definition, that means that the Government of the Republic of Bosnia and Herzegovina would be responsible for defending the actual territory in and around the safe zones as well as the remainder of the civilian population, the territorial integrity and sovereignty of the Republic. At the same time, the Secretary-General's report proposes that the capacity of the Republic's Government be in fact further and

decisively reduced in carrying out the above enlarged responsibilities by negatively modifying relevant provisions of resolutions 819 (1993), 824 (1993) and 836 (1993). Obviously, these two proposals of the report are inconsistent and lead to divergent conclusions.

17. In fact, the Security Council must seek a way in which to overcome the already serious inconsistency/gap created by the de facto arms embargo applied to only the Army of the Republic of Bosnia and Herzegovina which limits our Government's capacity for self-defence while not providing for the international mechanisms comprehensively to defend all our civilian population, territorial integrity and sovereignty. We once again inquire why resolution 838 (1993) has not been implemented.

18. At worst, the Government's capacity for defence should not be further hindered and there should be no modification of paragraphs 4 of resolution 824 (1993) and 5 of resolution 836 (1993). Otherwise, there would be a decisive and tragic intervention against the Army of the Republic of Bosnia and Herzegovina by the UNPROFOR forces.

19. The resolution 913 (1994) safe zone and the United Nations/NATO exclusion zone around Gorazde should be fully and immediately implemented. The Secretariat and UNPROFOR must take appropriate action or call upon a willing NATO to compel the mandated Serbian withdrawal.

20. The "safe zones" are already delineated by resolutions 819 (1993), 824 (1993) and 836 (1993) as the towns and surrounding areas. Safe zones should not be delineated to accept the consequences of Serbian onslaughts and effectively to legitimize the fruits of aggression. Clearly, when resolutions 819 (1993), 824 (1993) and 836 (1993) were adopted, the Security Council intended to have all the towns and their surrounding areas that were under Government control to be included within the safe zones (at least in the case of the besieged areas of Gorazde, Srebrenica, Zepa, Bihac and Sarajevo). Otherwise, we would have to come to the cynical conclusion that the Security Council was willing to tolerate further Serbian incursions, onslaughts and even killing of civilians up to some arbitrary line within the already besieged areas.

21. Because of the unique situation in and around Sarajevo, the Government of the Republic of Bosnia and Herzegovina would agree to consider demilitarization along the objective and non-contrived delineations of the 10 <u>opstinas</u> of Sarajevo.

22. Any other proposal contained in the Secretary-General's report should be viewed within the context of our Government's rights and duties as a defender of all our population, territory and Republic, and with the proper deference to our status as a Member of the United Nations, to the Charter of the United Nations and, in particular, to Article 51. Other proposals can be evaluated and discussed on a bilateral basis between the Government of the Republic of Bosnia and Herzegovina and UNPROFOR.

23. We remain open to constructive proposals, those that will preserve lives, be consistent with our territorial integrity and sovereignty and will substantively promote the peace process.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador and Permanent Representative

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1994/576
16 May 1994

ORIGINAL: ENGLISH

LETTER DATED 16 MAY 1994 FROM THE PERMANENT REPRESENTATIVE OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith answers by a spokesman for the Ministry of Foreign Affairs of the Democratic People's Republic of Korea to questions put by the Korean Central News Agency on 14 May 1994.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) PAK Gil Yon
Ambassador
Permanent Representative

Annex

Answers by a spokesman for the Ministry of Foreign Affairs of the Democratic People's Republic of Korea to questions put by the Korean Central News Agency on 24 May 1994

As is known, the replacement of fuel rods has begun at our 5-megawatt experimental nuclear power station according to its operation plan.

This refuelling is part of the undertakings to normalize our peaceful nuclear activities.

As we have clarified time and again, we could not freeze the operation of the graphite-moderated reactor system for an indefinite period, incurring economic losses, since the prospect of implementation of the Democratic People's Republic of Korea-United States of America agreement on converting the graphite-moderated reactor system to a light-water reactor system became dim as a result of the abortion of the third round of talks.

Moreover, the replacement of fuel rods at the 5-megawatt experimental nuclear power station could not be delayed any longer in view of its technical safety.

That is why we sent a telex message to the International Atomic Energy Agency (IAEA) on 19 April informing it of our replacement plan in advance and requesting it to observe it and promptly take necessary measures for the replacement of fuel rods.

Later, we sent telex messages to the Agency on four occasions, repeatedly requesting it to take relevant measures, including the removal of seals for a smooth operation of the facilities. And we agreed to all the demands of the Agency with regard to its observation except for the selection and preservation of the fuel rods, a matter which is beyond our unique status, and issued in good time entry visas to the Agency's inspectors.

Moreover, we allowed, as an exception, inspection activities for the continuity of safeguards requested by the secretariat of the Agency and even an "additional inspection", which it described as an "uncompleted inspection" during its inspection in March, taking into consideration the fact that the United States withdrew the precondition of "exchange of special envoys between the north and the south of Korea" which it had insisted on.

The secretariat of the Agency, however, persistently avoided sending a group of inspectors on unreasonable pretexts and did not take the necessary measures for the replacement of the fuel rods. Under such conditions, we had no other choice but to remove seals and start taking out the fuel rods for safety reasons. In this connection, we notified the Agency that the whole course of the replacement of fuel rods would be placed under the strict watch of the Agency's cameras.

All this was motivated by our utmost sincerity to prove the non-diversion of the replaced fuel rods to non-peaceful purposes and demonstrate the uprightness of our nuclear activities.

It is self-evident that such inspection activities falling under the categories of routine and ad hoc inspections as selection and preservation of some of the fuel rods can never be allowed in view of our unique status following a temporary suspension of the effectuation of our declared withdrawal from the Non-Proliferation Treaty.

To select and preserve some of the fuel rods at this juncture means to take samples. This is an inequitable attitude ignoring our present unique status, which excludes ad hoc inspection, and a prejudiced, unreasonable demand blindly casting "suspicion" on the Democratic People's Republic of Korea.

We have already clearly notified IAEA that we will contain all the spent fuel under strict surveillance of IAEA and fully allow IAEA to measure it when the nuclear issue is settled between the Democratic People's Republic of Korea and the United States.

It is hardly understandable for the IAEA secretariat to insist on selecting and preserving some of the fuel now, although it will be able to get the most correct results if it measures all the fuel at that time.

This makes us suspect that the IAEA secretariat is not interested in the measurement of the fuel rods but is seeking the political purpose of gradually undermining our unique status under the cloak of measurement.

In its report on the results of the inspection in March at the Board of Governors of IAEA and the United Nations Security Council, the secretariat said it was "indispensable" to wind up the "incomplete inspection activities" at the radiochemical laboratory. So, we allowed them and now the secretariat says it is "indispensable" to select and preserve fuel rods. This proves that there is no credibility in the attitude of the secretariat.

This makes us conclude that the secretariat's demand for selecting and preserving fuel rods at this juncture is aimed at fabricating another "inconsistency", which was one of the root causes of our withdrawal from the Non-Proliferation Treaty and justifying its partiality towards the Democratic People's Republic of Korea.

In view of our unique status, we are only obliged to provide the continuity of safeguards through the verification of the non-diversion of nuclear material, not the verification of the completeness and correctness of the initial inventory.

Although we decided to contain the fuel rods strictly and put them under the control of the Agency, some quarters of the United States are now spreading the rumour that we are changing the fuel rods to extract enough plutonium for the manufacture of four or five nuclear bombs. This is quite contradictory to the fact and cannot be construed other than as a sinister intention to intensify

pressure on the Democratic People's Republic of Korea under the pretext of refuelling.

Actually, refuelling is taking place under the watch of the cameras installed by the Agency. So, there is no ground to worry about the diversion of the replaced fuel rods for another purpose.

Now some quarters are contending that, if we stopped and put off refuelling, the problem of observation might be solved. This is, however, an unrealistic speculation that does not take into account the characteristics of the technical safety of our experimental atomic power plant. If refuelling is stopped midway, it may cause a new danger in view of safety requirements.

But we think that since refuelling has just begun, there still remain possibilities to resolve the problem.

We proposed to the Agency negotiations for an agreement on practical matters related to the presence at the replacement of fuel rods along with complicated outstanding issues with it.

The solution to the issue depends on the attitude of the Agency.

If the Agency persists in its unreasonable demand, ignoring our unavoidable conditions regarding the replacement of the fuel rods, the issue would become more complicated.

We will as ever make every possible effort for a fair and fundamental solution to the nuclear issue.